

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

JANE DOE 7,)
)
 Plaintiff,) Cause No: 1:20CV000172-JAR
)
)
 vs.)
)
)
 SOUTHEAST MISSOURI STATE)
 UNIVERSITY and SEMO DEPARTMENT)
 OF PUBLIC SAFETY OFFICER)
 JYOTHI DIRNBERGER)
)
)
 Defendants.)

**PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT
AGAINST SOUTHEAST MISSOURI STATE UNIVERSITY
AS TO THE TITLE IX COUNTS OF HER AMENDED COMPLAINT**

COMES NOW, Plaintiff Jane Doe 7, by and through her attorney, Nicole E. Gorovsky of Gorovsky Law, LLC, and for her Motion for Summary Judgment as to the Title IX Counts of her Amended Complaint pursuant to Federal Rule of Civil Procedure 56, states as follows:

1. Plaintiff filed a Complaint in this matter on August 12, 2020. Doc 1.
2. On November 23, 2021, Plaintiff filed an Amended Complaint alleging the following specifically against Defendant Southeast Missouri State University (“SEMO”):

Count I: Violation of Title IX – Deliberate Indifference

Count II: Violation of Title IX – Failure to Accommodate, provide safety measures, and/or prevent retaliation

Count III: Violation of 42 U.S.C. §1983

Count IV: Violation of Title IX – Gender Discrimination in Education. (Doc 30)

3. Plaintiff now moves for summary judgment against Defendant SEMO on Counts I, II and IV – the Title IX counts as Defendant SEMO violated Title IX in Plaintiff's case in multiple ways.
4. Defendant SEMO was deliberately indifferent to known sexual harassment that Plaintiff suffered and acted clearly unreasonably by refusing to tell Plaintiff the name of the male who raped her. It is a basic and obvious response in addressing gender violence that is severe and pervasive – as the rape was in this case – that the victim be allowed to know the identity of the person who harmed her. Intentionally preventing her from accessing this information, as Defendant SEMO did, denied Plaintiff her basic rights such as her right to feel safe, her right to seek criminal or civil justice, her right to walk on campus free from constant fear of being attacked, and her right to seek accommodations related to not encountering the person who raped her.
5. This deliberate indifference denied Plaintiff access to her education as she lived in fear while she tried to attend classes and stay on campus after the rape. She eventually ended up in a psychiatric institution with suicidal ideations – thereby literally missing her education.
6. Defendant was further deliberately indifferent to known sexual harassment that Plaintiff suffered and engaged in direct gender discrimination against Plaintiff. Defendant SEMO, following the rape that Plaintiff suffered, gave significant meaningful rights to the perpetrator of the sexual assault that it directly denied Plaintiff. Defendant allowed the male perpetrator to know Plaintiff's identity but did not allow Plaintiff to know the perpetrator's identity. Defendant allowed the male perpetrator the automatic right to maintain his education through reasonable accommodations. In contrast, Plaintiff was

not entitled to assistance in accessing her education unless she proved to the university that she had a disability requiring accommodations. To make matters worse Defendant did not tell Plaintiff how to seek these accommodations.

7. These actions and inaction by Defendant SEMO affected Plaintiff's ability to access her education in that the burden of rape trauma, fear of not knowing who the attacker was, and the lack of educational assistance overwhelmed her until she ended up suicidal and had to miss a month of school.

WHEREFORE, Plaintiff seeks summary judgment against Defendant SEMO on Counts I, II, and IV in this matter.

Respectfully submitted,

By: /s/ Nicole E. Gorovsky
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CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2022, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following attorneys of record:

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